

Amendment No. 1 to SB1640

Johnson  
Signature of Sponsor

**AMEND Senate Bill No. 1640\***

**House Bill No. 2139**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-14-127(a), is amended by adding the following new subdivision:

(8) Uses the trade name or trademark, or a confusingly similar trade name or trademark of any place of entertainment, or the name of any event, person, or entity scheduled to perform at a place of entertainment in the domain or subdomain of a ticket marketplace URL. It is not a violation of this subdivision (a)(8) if the ticket marketplace obtained authorization from the place of entertainment, event, person, or entity scheduled to perform at a place of entertainment to use the trade name, trademark, or name prior to the use. For purposes of this subdivision (a)(8):

(A) "Place of entertainment" means an entertainment facility in this state, such as a theater, stadium, museum, arena, amphitheater, racetrack, or other place where performances, concerts, exhibits, games, athletic events, or contests are held;

(B) "Ticket" means a printed, electronic, or other type of evidence of the right, option, or opportunity to occupy space at, to enter, or to attend a place of entertainment, even if not evidenced by any physical manifestation of the right, option, or opportunity; and

(C) "Ticket marketplace" means a website that provides a forum for or facilitates the buying and selling, or reselling, of a ticket;

SECTION 2. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding

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the following new subdivision:

( ) Uses the trade name or trademark, or a confusingly similar trade name or trademark of any place of entertainment, or the name of any event, person, or entity scheduled to perform at a place of entertainment in the domain or subdomain of a ticket marketplace URL. It is not a violation of this subdivision (b)( ) if the ticket marketplace obtained authorization from the place of entertainment, event, person, or entity scheduled to perform at a place of entertainment to use the trade name, trademark, or name prior to the use. For purposes of this subdivision (b)( ):

(A) "Place of entertainment" means an entertainment facility in this state, such as a theater, stadium, museum, arena, amphitheater, racetrack, or other place where performances, concerts, exhibits, games, athletic events, or contests are held;

(B) "Ticket" means a printed, electronic, or other type of evidence of the right, option, or opportunity to occupy space at, to enter, or to attend a place of entertainment, even if not evidenced by any physical manifestation of the right, option, or opportunity; and

(C) "Ticket marketplace" means a website that provides a forum for or facilitates the buying and selling, or reselling, of a ticket;

SECTION 3. Tennessee Code Annotated, Section 47-25-512, is amended by adding the following new subdivision (4):

(4) Uses the trade name or trademark, or a confusingly similar trade name or trademark of any place of entertainment, or the name of any event, person, or entity

scheduled to perform at a place of entertainment in the domain or subdomain of a ticket marketplace URL. It is not a violation of this subdivision (4) if the ticket marketplace obtained authorization from the place of entertainment, event, person, or entity scheduled to perform at a place of entertainment to use the trade name, trademark, or name prior to the use. For purposes of this subdivision (4):

(A) "Place of entertainment" means an entertainment facility in this state, such as a theater, stadium, museum, arena, amphitheater, racetrack, or other place where performances, concerts, exhibits, games, athletic events, or contests are held;

(B) "Ticket" means a printed, electronic, or other type of evidence of the right, option, or opportunity to occupy space at, to enter, or to attend a place of entertainment, even if not evidenced by any physical manifestation of the right, option, or opportunity; and

(C) "Ticket marketplace" means a website that provides a forum for or facilitates the buying and selling, or reselling, of a ticket;

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to actions occurring on or after the effective date of this act.